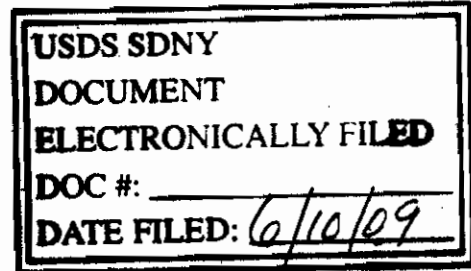


MEMO ENDORSED

June 9, 2009

Via Facsimile (212) -805-7930

Honorable James C. Francis
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, N.Y. 10007



Re: *Gabayzadeh v. Brafman, et al.*
Case No.: 1:09-CV-4095-PAC-JCF
Request for Extension of Time to Respond
FKB File no. 301.096

Dear Judge Francis:

My Firm has been retained to represent Defendants Benjamin Brafman, Brafman & Ross, P.C., Brafman & Associates, P.C., and Jennifer A. Liang (collectively "Brafman Defendants") in connection with the above-captioned matter. We write pursuant to your Honor's Individual Practice Rule 1.E, to request a thirty (30) day extension to file an answer, or alternatively, to move for dismissal of the Complaint under Fed. R. Civ. P. 12.¹

We understand that the Brafman Defendants received a copy of the summons and complaint on May 20, 2009, and the deadline for the Brafman Defendants to file a response is June 20, 2009. Thus, the Brafman Defendants respectfully seek a thirty (30) day extension through July 20, 2009 to respond. A thirty (30) day extension will serve the salutary purpose of permitting us to meet with our clients to discuss the claim and consider an appropriate response, including the possibility of filing a motion to dismiss the Complaint.

Since the Complaint states that the *pro se* plaintiff is currently incarcerated in the Fort Dix Correctional Institute, we have not attempted to contact plaintiff as required under your Honor's Individual Practice Rules. We believe that plaintiff's *pro se* status and incarceration would make it difficult to comply with that requirement while advancing this application in a timely manner.

¹ This Court has recently granted a similar application made by co-defendants, Robert F. Katzberg and Kaplan & Katzberg.

No previous request for an extension has been made. We are available to conference the matter at the Court's convenience. Thank you for your attention to this matter.

Respectfully submitted,

FURMAN KORNFELD & BRENNAN LLP


Andrew S. Kowlowitz

cc: Via Overnight Mail

Mehdi Gabayzadeh
Pro se plaintiff
Reg. No. 68419-053
PO Box 2000
F.C.I. Fort Dix
Fort Dix, N.J. 08640

Deborah A. Schwartz
Defendant
210 11th Avenue, Ste-1103
New York, N.Y. 10001

Thomas W. Hyland, Esq.
Anastasios P. Tonorezos, Esq.
Wilson, Elser, Moskowitz, Edelman & Dicker LLP
Counsel for Katzberg defendants
150 East 42nd Street
New York, N.Y. 10017

6/10/09
Application granted.
SO ORDERED.
James C. Faunt IV
JCF